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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,352	07/18/2003	Joseph F. Bringley	85384PAL	4783

7590 12/01/2005
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

SCHWARTZ, PAMELA R

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,352

Applicant(s)

BRINGLEY ET AL.

Examiner

Pamela R. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/18/03, 1/12/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's election with traverse of the species represented by claims 1, 2 and 5 in the reply filed on 9/14/05 is acknowledged. The traversal is on the ground(s) that the searches are coextensive. This is not found persuasive because the searches are not coextensive and because election of all species together would put a significant additional burden on the examiner. It is noted that the election requirement would be withdrawn if applicants state in the record that the claimed species are obvious over one another so that a proper rejection of any one species is applicable to all.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1, 2, 5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bermel et al. (6,419,355) in view of Moore, Jr. et al. (3,956,171). Bermel et al. disclose an ink jet recording method and element comprising a support, a base layer and an image receiving layer (see col. 2, lines 37-55). The image receiving layer contains particles, which may include cationic silica particles aggregated up to 300 nm (see col. 3, lines 24-35). The image receiving layer also contains a polymeric binder (see col. 4, line 59 to col. 5, lines 18). The supports for the element may be transparent or opaque (see col. 5, lines 31-62).

The secondary reference is directed to preparation of stable positively charged alumina coated silica. It is well known in the art that treatment with alumina is a way to cationize silica which naturally carries a negative charge. The method involves treating colloidal silica with a stabilizer and a basic aluminum salt (see col. 2, lines 53-68). The aluminum salt may be an aluminum chloride as set forth at col. 3, lines 1-7 and the additives are set forth at col. 3, lines 41-55. From the materials and method steps set

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forth by the prior art, the silica of the reference will inherently be shelled with a polymeric aluminosilicate complex as recited by the instant claims. The ratio of core to shell will be determined by the extent of reaction. It would have been obvious to one of ordinary skill in the art to determine the ratio of core to shell in order to yield sufficient cationic charge. It would have been obvious to one of ordinary skill in the art to include these particles as cationically charged silica in an ink jet recording element as is well known in the art and disclosed by the primary reference.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela Schwartz whose telephone number is (571) 272-1528.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRSchwartz
November 28, 2005



PAMELA R. SCHWARTZ
PRIMARY EXAMINER